



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 3, 1998

Ms. Tamara Armstrong  
Assistant County Attorney  
County of Travis  
P.O. Box 1748  
Austin, Texas 78767

OR98-1379

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 115422.

The Travis County Sheriff's Department (the "department") received a request for "a copy of the full officers' report and any/all notes regarding Sheriff's Case # 98-8074." In response to the request, you submit to this office for review a copy of the records which you assert are responsive. You assert that the requested information is excepted from required public disclosure pursuant to sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. You contend that release of the requested information is governed by section 58.007 of the Family Code in conjunction with section 552.101 of the Government Code.<sup>1</sup>

In Open Records Decision No. 644 (1996), this office ruled that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning juvenile conduct occurring on or after January 1, 1996 that are maintained by law enforcement agencies. However, the Seventy-fifth Legislature passed House Bill 1550<sup>2</sup>,

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<sup>1</sup>You state that "[b]ecause these records are subject to Section 58.007, Subsection (c), Family Code, they must be withheld; and, the requestor must obtain records in this case directly from the Justice of the Peace Court for Precinct Three." Under section 58.007, subsection (b)(3), the records and files of a juvenile court are open to inspection by "an attorney for a party to the proceeding."

<sup>2</sup>Act of June 2, 1997, H.B. 1550, 75th Leg., R.S.

which amends the Family Code and in part overrules Open Records Decision No. 644 (1996). The relevant language of amended Family Code section 58.007(c) reads as follows:

(c) Except as provide by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

(1) kept separate from adult files and records; and

(2) maintained on a local basis only and not sent to a central, state or federal depository, except as provided by Subchapter B.

Thus, juvenile offender records held by law enforcement agencies are now expressly confidential under section 58.007(c) of the Family Code. Section 58.007(c) applies to juvenile law enforcement records concerning conduct that occurred on or after September 1, 1997. Open Records Decision No. 644 (1996) still applies to records concerning juvenile conduct that occurred from January 1, 1996 to August 31, 1997.<sup>3</sup>

Here, the requested information involves juvenile conduct that occurred after September 1, 1997. Since section 58.007(c) of the Family Code applies to juvenile law enforcement records concerning juvenile conduct occurring on or after September 1, 1997 that are maintained by law enforcement agencies and none of the exceptions in section 58.007 apply, the requested information is confidential pursuant to section 58.007(c) of the Family Code. Thus, you must withhold the requested information under section 58.007(c) of the Family Code in conjunction with section 552.101 of the Government Code.

As section 58.007 of the Family Code is dispositive, we need not consider your section 552.108 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad", is written over a large, loopy circular flourish.

Sam Haddad  
Assistant Attorney General  
Open Records Division

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<sup>3</sup>Juvenile law enforcement records concerning conduct that occurred before January 1, 1996, are governed by former section 51.14(d) of the Family Code, which is continued in effect for that purpose. Act of June 2, 1997, H.B. 1550, 75<sup>th</sup> Leg., R.S.

SH/rho

Ref: ID# 115422

Enclosures: Submitted documents

cc: Mr. Edward McHorse  
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515 Congress Avenue, Suite 2300  
Austin, Texas 78701  
(w/o enclosures)